

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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LAWRENCE CHARLES THREADGILL, III,

Plaintiff,

v.

JASON ACHTERBURG and REED RICHARDSON,

Defendants.  
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ORDER

17-cv-945-bbc

Pro se plaintiff Lawrence Charles Threadgill, III is proceeding on a claim that defendants Jason Achterburg and Reed Richardson interfered with his right to send and receive mail in violation of his First Amendment rights. During plaintiff's deposition on November 27, 2018, plaintiff testified that he had kept a written log documenting each time he sent a letter that was not received by the intended recipient. Defendants filed a discovery request asking plaintiff to produce the log, but plaintiff failed to do so. Now defendants have filed a motion to compel plaintiff to produce the log, as well as a request for the court to stay the January 11, 2019 dispositive motion deadline until the motion to compel is resolved. Dkt. #17. Plaintiff did not respond to defendants' motion.

Defendants' discovery request is proper and highly relevant to plaintiff's claim that defendants refused to send the letters plaintiff wrote to his family and friends. Because plaintiff has identified no reason why he should not produce his written log, I will grant defendants' motion. If plaintiff's position is that he no longer has the log, he should respond to defendants' request with a sworn statement saying that he no longer has the log, what

happened to it and why he could not produce it. If plaintiff fails to produce the log or fails to provide defendants a sworn statement explaining why he cannot produce it, plaintiff will be precluded from relying on any such log at summary judgment or trial. I will extend the dispositive motion deadline by two weeks.

ORDER

IT IS ORDERED that defendants Jason Achterburg and Reed Richardson's motion to compel, dkt. #17, is GRANTED. Plaintiff Lawrence Charles Threadgill, III may have until January 18, 2019 to either produce any written log in his possession listing mail that he attempted to send or provide a sworn statement explaining why he cannot produce the log. The dispositive motions deadline is extended to January 25, 2019.

Entered this 9th day of January, 2019.

BY THE COURT:

/s/

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BARBARA B. CRABB  
District Judge